

**UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF HEARINGS AND APPEALS**

The Secretary, United States	)	
Department of Housing and Urban	)	
Development, on behalf of	)	
Jane Doe 1,	)	
	)	
	)	
Charging Party,	)	HUD ALJ No.
	)	FHEO No.: 05-14-0106-8
v.	)	
	)	
	)	
Deane Woodard,	)	
	)	
	)	
Respondent.	)	

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**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On or about November 6, 2013, Complainant Jane Doe 1 timely filed a verified complaint with the United States Department of Housing and Urban Development (“HUD” or “the Department”) alleging that Respondent Deane Woodard made discriminatory statements and refused to rent to her and her then-roommate, Jane Doe 2, on the basis of disability and/or perceived disability in violation of the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601, *et seq.* (the “Act”).

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2). The Secretary has delegated to the General Counsel, who has redelegated to the Regional Counsel the authority to issue such a Charge following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee. 24 C.F.R. §§103.400, 103.405; 76 Fed. Reg. 42,463, 42,465 (July 18, 2011).

The Regional Director of the Office of Fair Housing and Equal Opportunity for Region V has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. §3601(g)(2).

## **II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE**

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the findings contained in the attached Determination of Reasonable Cause, the Secretary charges Respondent Deane Woodard with violating the Act as follows:

### **A. LEGAL AUTHORITY**

1. It is unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of (A) that buyer or renter, (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available, or (C) any person associated with that buyer or renter. 42 U.S.C §3604(f)(1).
2. Discrimination includes making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on disability, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C §3604(b).
3. It is unlawful to make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that person, has a disability or to make inquiry as to the nature or severity of a disability of such a person. 24 C.F.R. §100.202(3)(c).
4. Pursuant to the Act, an "aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. §3602(i).
5. "Handicap" means, with respect to a person – "(1) a physical or mental impairment, which substantially limits one or more of such person's major life activities, (2) a record of having such impairment, or (3) being regarded as having such impairment..." 42 U.S.C. §3602(h).<sup>1</sup>

### **B. PARTIES AND SUBJECT PROPERTY**

6. At all times relevant to this Charge, Jane Doe 1 ("Complainant"), a single woman living with anxiety, depression and bipolar disorder, was seeking rental housing for herself and her roommate, Jane Doe 2. On information and belief, at all times relevant to this Charge, Jane Doe 2 was single woman living with bipolar disorder, who was seeking housing to share with Complainant.
7. At all times relevant to this Charge, Complainant and Jane Doe 2 were friends and resided together as roommates at the home of Complainant's parents.

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<sup>1</sup> The term "disabled" shall be used in this Charge. The federal statute and regulations sometimes use the antiquated term "handicapped." As used herein, the term "disabled" has precisely the same meaning as the term "handicapped."

8. At all times relevant to this Charge, the subject property, a single family house, located at [REDACTED] in Detroit Lakes, Minnesota ("subject property"), was owned by Pearl Beck.<sup>2</sup> On information and belief, Beck has recently conveyed the subject property to her son.
9. At all times relevant to this Charge, Deane Woodard ("Respondent") worked as an agent for the owner of the subject property, Pearl Beck, in exchange for residing free of charge in one of her residential properties. On information and belief, Respondent Woodard's duties at Beck's properties included making repairs, screening prospective applicants, showing rental properties, and managing rental properties. At all times relevant to this Charge, Beck owned four rental units.
10. The subject property constitutes a "dwelling" within the meaning of 42 U.S.C. §3602(b). The subject property is not exempt from the Act.

### **C. FACTUAL ALLEGATIONS**

11. In or around the first week of August 2013, Complainant and Jane Doe 2, who were seeking to rent a two-bedroom home together, drove past the subject property, a single family home with a "for-rent" sign displayed in the front yard. Attached to the sign was an envelope with Respondent's business cards inside; the business cards displayed Respondent's name and phone number, which they called. Respondent Deane Woodard answered the phone and arranged a time to meet Complainant and Jane Doe 2 to tour the subject property.
12. Also in or around the first week of August 2013, Complainant, Jane Doe 2, and Complainant's father met with Respondent at the subject property. Respondent showed them the home and explained that rent for the house was \$625 plus utilities, and that a security deposit, as well as the first and last month's rent, would be due at move-in. Complainant "fell in love with the house." Complainant and Jane Doe 2 provided Respondent with information about their employers on that date, and Complainant informed Respondent that this would be her first time renting.
13. In or around the second week of August 2013, Complainant's father arranged an in-person meeting between Complainant, Jane Doe 2, Respondent, and the owner of the subject property, Pearl Beck, to clear up a misunderstanding concerning Complainant's identity and rental history, because Respondent and/or Beck conflated Complainant with someone with a different name. Complainant's father also attended the meeting. Complainant and Jane Doe 2 left this meeting with the understanding that they were going to be permitted to lease the subject property. On information and belief, either during the meeting or immediately thereafter, Respondent gave Complainant a key to the property so that she could begin moving in her belongings and they agreed on a date and time to meet at the subject property.

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<sup>2</sup> Pearl Beck was named as a respondent in Complainant's complaint, but entered into a Conciliation Agreement with Complainant to resolve the allegations against her, prior to the issuance of this Charge.

14. At some point between the meeting described in paragraph 13, above, and the date upon which Complainant and Jane Doe 2 were to move into the subject property, Respondent and Beck became aware that Jane Doe 2 has a psychiatric disability. Respondent believed Jane Doe 2's disability to be "bipolar/schizophrenic." On information and belief, Jane Doe 2 does not have schizophrenia, but identifies as "manic depressive."
15. On or about August 11 or 12, 2013, Complainant received a phone call from Respondent. During that call, Respondent asked Complainant if she or Jane Doe 2 had any "issues" that they needed to disclose. Complainant understood this question to be an inquiry regarding her disability. In response to Respondent's question, Complainant replied: "I'm going to be honest. I have anxiety and depression. But why does that matter?" or similar words to that effect. Respondent then asked about Jane Doe 2's disability. Complainant said "that's none of your business" or similar words to that effect. Complainant and Respondent did not speak again until the day that Complainant was to move into the subject property with Jane Doe 2.
16. On the prearranged meeting date with Respondent, somewhere between August 13-16, 2013, Complainant, Jane Doe 2, and Complainant's parents went to the subject property with the rental check and cleaning supplies. Respondent met them at the subject property. Seeing them, Respondent, addressing Complainant's parents, stated: "I can't rent to them" or similar words to that effect. Respondent went on to say that he could not rent to Complaint and Jane Doe 2 because Jane Doe 2 has "bipolar disorder." In response, Complainant's mother asked: "what about kids with anxiety and depression?" [pointing to Complainant]; and Respondent replied, "all the more reason not to rent to them!" or similar words to that effect. Complainant handed the keys to the subject property to her father, who returned them to Respondent, who did not grant them access to the subject property.
17. During the HUD investigation, Respondent admitted to a HUD investigator that he and Beck had learned that Jane Doe 2 had a psychiatric disability, which he believed to be schizophrenia and bipolar disorder, from Beck's son, Greg Beck; that he and Beck were fearful that because of Jane Doe 2's disabilities, and possibly Complainant's disabilities, that Complainant and Jane Doe 2 would set fire to the subject property and otherwise destroy the subject property; that he and Beck both had previous negative experiences with friends and relatives with bipolar disorder and schizophrenia; and that he didn't "want no schizophrenic and bipolar who does drugs and smokes living there [the subject property]."

#### **D. FAIR HOUSING ACT VIOLATIONS**

18. When Respondent refused to rent an available dwelling to Complainant because of her anxiety and depression; and refused to rent to Jane Doe 2 because of her bipolar disorder and his perception of Jane Doe 2 as having schizophrenia, he discriminated against them on the basis of disability in violation of 42 U.S.C. §3604(f)(1).

19. When Respondent stated that he would not rent to Jane Doe 2 because she is “bipolar;” and stated that Complainant’s anxiety and depression were “all the more reason not to rent to them!” or similar words to that effect, he made discriminatory statements with respect to the rental of a dwelling that indicates a preference, limitation, or discrimination based on disability in violation of 42 U.S.C. §3604(c).
20. When Respondent inquired into Complainant’s and Jane Doe 2’s disabilities, and specifically asked whether Jane Doe 2 was “bipolar” Respondent made an illegal inquiry into the nature and severity of a disability of an applicant for a dwelling or a person intending to reside in that dwelling after it is rented or a person associated with that person in violation of the regulations implementing the Act at 24 C.F.R. §100.202(3)(c).
21. As a result of Respondent’s discriminatory acts, Complainant suffered damages, including emotional distress and loss of a unique housing opportunity. Complainant felt “angry,” “upset” and “depressed.” She felt “afraid” that no one would ever rent to her because of her disabilities, and, as a result, she stopped looking for housing and remained living in her parents’ basement. As a result of this incident, she also feels stigmatized by her mental illness. Shortly after Respondent’s discriminatory acts, in or around the fall of 2013, Jane Doe 2 moved out of state.

### **III. CONCLUSION**

WHEREFORE, the Secretary of HUD, through the Office of the General Counsel and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondent Deane Woodard with engaging in discriminatory housing practices as set forth above and prays that an order be issued that:

- A. Declares that Respondent’s discriminatory housing practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3601-3619, and its implementing regulations;
- B. Enjoins Respondent, his agents, employees and successors, and all other persons in active concert or participation with him from discriminating against any person based on disability in any aspect of the sale, rental, occupancy, use or enjoyment of a dwelling;
- C. Awards such monetary damages as will fully compensate Complainant for her economic losses and emotional distress, including but not limited to, all out-of-pocket expenses, medical expenses, emotional and physical distress, embarrassment, humiliation, inconvenience, the loss of a housing opportunity and any and all other damages caused by Respondent’s discriminatory conduct;

- D. Awards a \$16,000 civil penalty against Respondent for each violation of the Act; and
- E. Awards such additional relief as may be appropriate pursuant to 42 U.S.C. § 3612(g)(3).

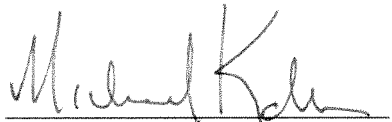
Respectfully Submitted,



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Date: 8/24/2015